

**EQUAL EMPLOYMENT OPPORTUNITY**  
**SUPERVISORS AND MANAGERS INFORMATIONAL**  
**HANDBOOK**

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## **Introduction**

The objective of Equal Employment Opportunity (EEO) is to ensure that equal opportunity in employment is provided to all employees and applicants for government jobs.

This pamphlet provides information and guidance about the USAG Kaiserslautern's EEO program. If there are any questions regarding this information, please contact the EEO Office at 489-7195 for assistance.

## EEO IS THE LAW

Federal employees and qualified applicants for Federal employment are guaranteed equality of opportunity in employment. Title VII of the Civil Rights Act of 1964 specifically prohibits discrimination in the hiring and firing of individuals or any other “terms and conditions of employment” based on race, color, religion, national origin, or sex. The Equal Employment Opportunity Act of 1972 (Public Law 92-261) extends this to include Federal employment. In addition, Code of Federal Regulation (CFR 5, Title 29), Part 1614, Army Regulations (AR 690-600 and AR 690-12 prohibit discrimination because of race, color, religion, sex, national origin, age (over 40), mental or physical disability and/or reprisal from all personnel management practices.

The EEO Program is for everyone! It is **not** only a program for minorities and women! It is a program designed to provide equal employment opportunities for all!

Within the Department of the Army, responsibility for administration of the EEO Program is delegated by the Secretary of the Army, through the Assistant Secretary for Manpower and Reserve Affairs and the Army Director of EEO to commanders, EEO Program officials, Managers and supervisors at all levels. A program that meets the requirements of the law provides...

- That all personnel actions must be free from discrimination.
- For development of national, regional and local plans to maintain an affirmative program of equal employment opportunity.
- For submission of reports or reviews and evaluation of progress in implementing plans.
- For establishment of training and education programs to provide maximum opportunity for employees to advance and to perform at their highest potential.
- For establishment of a system for processing complaints alleging based on race, color, religion, sex, national origin, age (over 40), physical or mental disability and/or reprisal.

Simply put, the law requires two things of Managers, supervisors or operating officials within the Department of the Army to have an effective EEO Program:

- The practice of non-discrimination in hiring, firing, assigning and training of employees and people qualified for employment.
- The taking of affirmative action to assist in employee career development, developing a plan, implementing the plan and evaluating the plan.

In addition, a system must be provided for granting relief to individuals who are victims of unlawful discrimination.

The Equal Employment Opportunity Commission (EEOC) monitors the Army's program administration, beginning with approval of the EEO Affirmative Employment Program Plan and continuing through final administrative review of EEO complaints.

## **EEO RESPONSIBILITIES**

### **THE COMMANDER**

The Commander is ultimately responsible for the USAG KAISERSLAUTERN EEO Program, including appointment of all EEO officials, execution of policy, allocation of program resources, and the taking of affirmative action to eliminate discrimination. Commanders at serviced organizations are responsible for their EEO program.

### **THE EEO MANAGER**

As the principal advisor and program manager for EEO. The EEO Manager develops policies, practices and guidelines that affect minorities and women, and sets objectives that support overall higher-level objectives and ensures consistency in achievement of EEO goals throughout the serviced community, and:

- Publishes Annual Affirmative Employment Program Report, accomplishment reports and updates
- Monitors the applicant pool
- Recommends strategies to eliminate employment barriers for women, minorities and individuals with disabilities
- Provides reports on program use
- Contacts community and federal agencies
- Provides guidance to commanders/directors and serviced tenant offices on EEO matters such as conflict of complaints processing, routine complaint matters and affirmative action.

### **LEGAL ADVISOR OR LABOR COUNSELOR**

The Legal Advisor or Labor Counselor is an attorney who advises and represents the Commander in labor matters, including EEO complaints. The legal advisor/labor counselor acts as the Command/Army legal representative in fact-finding conferences, EEO Commission hearings and court proceedings. The EEO Manager coordinates the entire administrative process of complaints processing with the attorney.

### **THE EEO SPECIALIST**

- Identifies and works to eliminate artificial restrictions
- Coordinates the development and implementation of the EEO Affirmative Employment Plan
- Selects and trains EEO counselors

- Serves as Special Emphasis Program Manager
- Recruits Special Emphasis Committee Managers and members
- Manages the Complaints Appeal Tracking System
- Monitors and reports command EEO complaints
- Conducts Prevention of Sexual Harassment and EEO training

## **MANAGERS AND SUPERVISORS**

Managers and supervisors support and execute the EEO Program. They adhere to and implement EEO policy and principles in every action that deals with or affects personnel management. They establish and maintain a work environment that is free of discrimination, sexual harassment and reprisal. Managers and supervisors ensure that employees are trained and kept aware of the EEO Program. They participate with the EEO Manager in the removal of employment barriers. They continue to place emphasis in meeting the hiring goals established for the employment of minorities and women as identified in the EEO Affirmative Action Program Plan.

## **SPECIAL EMPHASIS PROGRAM COMMITTEE (SEPC)**

A Special Emphasis Program will be formed to assist and support the Federal Women's Program (FWP), Hispanic Employment Program (HEP), Black Employment Program (BEP), Native American/Alaskan Native Employment Program (NA/AN) and the Asian Pacific Employment Program (APEP).

The SEPC is made up of the:

***Federal Women's Program Manager***

***Black Employment Manager***

***Native American Program Manager***

***Asian Pacific Program Manager***

***Hispanic Employment Program Manager*** who:

- Focuses on employment needs and problems of targeted groups as they relate to and are affected by Federal personnel policies and practices

***People with Disabilities Program Manager*** who:

- Focuses on the employment, placement and advancement of individuals with disabilities
- Acts as liaison to organizations and others concerned with the employment of persons with disabilities

The Special Emphasis Program Managers are a part of management; therefore, she/he may not function as an employee advocate but will serve as an advocate for the changes necessary to overcome barriers that restrict EEO for their particular program.

## **Federal Women's Program (FWP)**

### **Objectives**

To achieve a civilian work force in which women are employed at all levels, in all occupations and in all segments of the Army commensurate with their representation in the relevant civilian labor force (CLF).

### **Initiatives**

Within the framework of the Army's EEO Program, the Federal Women's Program will endeavor to address employment concerns of all women regardless of race, religion, national origin, or disability.

Each year specific initiatives will be identified/updated for action over the subsequent year.

The following were established for action during FY 2003:

- Encourage the use of career enhancing tools/training programs such as mentoring, shadow

assignments, cross training, details, OLE, SBLM, PME, DLAMP, etc.

- Monitor the selection of women for professional development and long-term training assignments.
- Encourage registration in Army's career programs and RESUMIX.



## **Black Employment Program (BEP)**

### **Objectives:**

The Black Employment Program (BEP) was established on 3 February 1988 to ensure equal opportunity in the hiring, advancement, training and treatment of Black employees/applicants.

The BEP will strive toward achieving a civilian work force in which Blacks are employed at all levels, in all occupations, and in all segments of the organization commensurate with their representation in the relevant Civilian Labor Force (CLF).

### **Initiatives**

Within the framework of the EEO Program, Special Emphasis Programs (SEPs) such as the Black Employment Program (BEP) exist to address "Special" problems and concerns of Black employees in achieving Equal Employment Opportunity.

The mission of the BEP is to establish and implement procedures that will enable Army commands and installations to:

Identify and resolve actual and perceived system inequities that adversely affect Black employees.

Identify and resolve under representation and underutilization of Blacks.

## **Hispanic Employment Program (HEP)**

The HEP is an integral part of the total EEO effort. Federal departments and agency heads, EEO Managers, HEP, Managers, supervisors and all employees have specific responsibilities for this program. The personnel support and commitment as part of all levels of management will assure the success of the program. The HEP was established in 1970 to focus on the needs of the Spanish-speaking Americans in the Federal government.

An HEP Manager has many roles: analyst, educator, planner, recruiter and advisor but is basically a program Manager. The HEP is instrumental in establishing a good working relationship with local and national Hispanic groups. The HEP can alert the organization to employment concerns existing or developing within the community. The organization in turn, is in a better position to inform Hispanic Americans of its activities, its EEO Program and its desire to work with all interested groups toward the mutual goal of assuring equality of treatment for all Americans.

The objectives of the program are to assure equal opportunities for Hispanic Americans in all aspects of Federal Employment (AR 690-12) and to advance their employment opportunities by promoting the Hispanic Employment Program in the agency's personnel management program.

## **Native American/Alaskan Native Employment Program (NA/AN)**

### **Objectives**

The objectives of the NA/AN Program are to ensure equal employment opportunity in the hiring, advancement, and training of Native American employees and to strive toward the achievement of a civilian work force in they are represented in every organizational element, occupational series and grade levels, commensurate with their representation in the relevant civilian work force.

### **Initiatives**

Within the framework of the EEO Program, Special Emphasis Programs (SEPs) such as the Native American/Alaskan Native Employment Program (NA/AN) exist to address "Special" problems and concerns of Native American/Alaskan Native employees in achieving Equal Employment Opportunity.

The mission of the NA/AN Program is to establish and implement procedures that will enable Army commands and installations to:

Identify and resolve actual and perceived system inequities that adversely affect NA/AN employees.

Identify and resolve under representation and underutilization of Native American/Alaskan Natives.

Identify and resolve actual and perceived system inequities that adversely affect NA/AN employees.

Identify and resolve under representation and underutilization of NA/AN employees.

## **Programs for Individuals With Disabilities**

### **Objectives**

- Increase employment opportunities for Individuals with Disabilities (IWD) in the Army.
- Achieve Army's 5-year goal of 11,220 Individuals with Disabilities by 2005.
- Identify installations that achieve DOD 2% targeted disability goal.
- Identify installations honored by state/local organizations.
- Clarify program management responsibilities.
- Ensure information flow to commanders, Managers and supervisors.
- Ensure Managers and supervisors continue to use the resources of the Computer/Electronic Accommodation Program (CAP) at <http://www.tricare.osd.mil/cap/> when responding to accommodation issues in the work place.

- Increase emphasis on the program as coming under the EEO umbrella of as a Special Emphasis Program (SEP).
- Establish liaison with each SEP Manager to ensure the concerns of the disabled community are being addressed.
- Ensure information about the program and specifically the Workforce Recruitment Program (WRP) for College Students with Disabilities program is available and appreciated as a source of high potential candidates for college recruitment programs.
- Establish liaison with career program officials.
- Ensure IWD program issues are included in EEO conferences/training programs.

## **EEO COUNSELORS**

The Commander, USAG KAISERSLAUTERN, appoints EEO counselors to conduct informal inquiries into allegations of discrimination. EEO Counselors perform their EEO responsibilities as a collateral duty in addition to their primary responsibilities. Counselors will not counsel complaints where they are employed. The counselor works under the direction of the EEO Manager when counseling a complaint. When an EEO Counselor has a case, the counselor will be allowed time to work exclusively on EEO problems when circumstances demand. The counselor serves as a bridge between employees and management and is responsible for attempting to resolve problems that are brought to his/her attention by employees or applicants for employment. EEO Counselors are sensitive to the problems of inter-group relations and have empathy with employees and supervisors. The counselor's ability to be objective and fair, thus securing the confidence of employees and managers making them a valuable asset to the organization in which they are employed.

EEO Counselors are neutral fact-finders. They are an agent for neither the agency nor the aggrieved person.

## COMPLAINT SYSTEM

Complaints will be processed in accordance with directives in 29 CFR 1614 and AR 690-600. Federal employees or applicants for employment may file an EEO complaint of discrimination if:

- The applicant, employee or former employee feels that he/she has been or is being treated differently or unfairly because of race, color, religion, sex, age (over 40), national origin, or physical or mental disability. Discrimination may arise from a specific personnel action or from an ongoing personnel policy or practice, or;
- An applicant or employee feels that he/she has been or is being subjected to reprisal because of having filed or having been associated with a complaint of discrimination (regardless of how long in the past). The employee may file a separate complaint of discrimination based on reprisal.

Typical issues of discrimination that arise as complaints follow:

- Failure to be promoted or hired
- Failure to be considered for promotion
- Training
- Disciplinary action
- Duty assignment
- Failure to receive recognition (awards)
- Performance appraisal
- Job classification
- Harassment or maltreatment
- Failure to be extended

If the complaint is not related to discrimination, sexual harassment or discriminatory reprisal, the aggrieved person should address the issue to the Management Employee Relations Serviced community (MER), Civilian Personnel Advisory Center (CPAC) for appropriate action.

As part of his/her discrimination complaint, the aggrieved may request relief as appropriate to the nature of the alleged discrimination. Some typical forms of relief if discrimination is found include:

- Retroactive promotion/back pay
- Special consideration for promotion

- Assignment to training
- Removal of disciplinary action
- Reassignment (transfer) of alleged discriminating official/aggrieved person (if requested)
- Discipline of alleged discriminating official
- Consideration for recognition
- Reconsideration of performance appraisal
- Reclassification of position
- Cessation of harassment/maltreatment

## **EEO SUPERVISOR/ EMPLOYEE OBLIGATIONS**

How are supervisors involved?

The EEO program is designed to ensure Federal employees or qualified applicants for employment are not denied employment opportunities because on non-work related factors: race, religion, color, sex, national origin, age (over 40), physical or mental disability and/or reprisal. Supervisors have an obligation:

- To consider employees for actions without discrimination.
- To help employees reach their employment objectives by taking positive actions e.g., measurable performance standards, counseling, training and to ensure that there are no artificial barriers to their progress.
- To take steps to offset the influence of past discrimination.

Employees, too, have obligations. These include:

- Availing themselves of every opportunity to use and improve their present skills and training to the maximum.
- Taking advantage of opportunities to acquire new skills through training and assignments even though they have to make some personal sacrifices.
- Working in good faith with their supervisor to identify and correct deficiencies/conditions/situations that might keep them from reaching their goals.

## **PREVENTION OF SEXUAL HARASSMENT**

You, as a Federal employee or supervisor, have a grave responsibility under the Federal code of conduct and ethics for maintaining high standards of honesty, integrity and values essential for carrying out the Army's mission. Any conduct that violates this code will not be tolerated.

Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. You are guaranteed a work environment free from unsolicited and unwelcome sexual overtures. Sexual harassment weakens morale, interferes in the work productivity of its victims and their co-workers and creates an intimidating, hostile or offensive work environment.

Sexual harassment is defined as a form of sex discrimination that involves unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to or rejections of such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career, or
- Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, or
- Such conduct interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

Any person in a supervisory or command position who uses or condones implicit or explicit sexual behavior to control, influence or affects the career, pay or job of a military member or civilian employee is engaging in sexual harassment.

## **OPTIONS OPEN TO VICTIMS OF SEXUAL HARASSMENT**

Recognize what is happening and understand that it is not your fault. You have a right to complain and an obligation to yourself and to your co-workers to take appropriate action.

If at all possible, confront the offender directly. Make it clear that you are not interested and that you find the behavior offensive and unacceptable.

Both the offender and others could interpret the avoidance of a confrontation with the harasser as implied permission or even encouragement on your part. This could be used against you later should you decide to file a complaint.

Keep a written record of the incidents of harassment, witnesses, actions you have taken and the results.

Talk to your friends, co-workers and relatives. It is very important to maintain a strong support system. Keeping your feelings to yourself will cause you to feel isolated and powerless. Speaking out and documenting the incidents of sexual harassment/sexual coercion will help you as an individual, as well as to help define sexual harassment as a social problem.

If you are unable to confront the harasser, or, after confrontation, the harassment continues, assistance is available through the following sources:

- Your supervisor or a supervisor above the harasser
- Equal Employment Opportunity Officials
- Civilian Personnel Advisory Center, Management Employee Relations Serviced community
- Equal Opportunity Office
- Chaplain
- Counseling service
- Commander
- Inspector General

## **WHAT DOES EEO MEAN TO YOU?**

### **QUESTIONS AND ANSWERS**

Q. What is EEO?

A. EEO stands for Equal Employment Opportunity. It means that every employee will have equal opportunities in all phases of employment and personnel actions regardless of race, color, religion, national origin, sex, age (over 40), physical or mental disability and/or reprisal.

Q. Who is EEO for?

A. The EEO program is for all appropriated fund and non-appropriated fund Federal employees and applicants for employment.

Q. What should I do if I have a complaint of discrimination?

A. If you cannot solve your problem with your supervisor, call the EEO Office. We will set up an appointment to discuss the matter and determine if it falls within the purview of EEO. If so and you want to file a complaint, an EEO counselor will be assigned to you. Remember, you must contact the EEO Office within 45 calendar days of the alleged act of discrimination.

Q. What if my concerns do not fall within the purview of EEO?

A. You will be referred to another office for assistance.

Q. What can a counselor do?

A. The counselor will listen to your complaint and conduct an informal inquiry. The counselor will explore the possibility of an informal resolution. If informal resolution is possible, the EEO Counselor will continue the informal inquiry while the EEO Manager and a Labor Attorney meet with you and a member of management. If a satisfactory resolution cannot be reached or if you are dissatisfied with the results of the informal inquiry, you will be issued a Notice of Right to File a Formal Complaint. You will then have 15 calendar days to file a formal complaint that would be investigated by the Department of Defense, Civilian Personnel Management Services, Office of Complaint Investigations.

Q. May I be accompanied by anyone when I file a complaint?

A. Yes, you have the right to be accompanied by a representative of your own choosing at all stages of the complaint process.

Q. Do I have to take annual leave to talk to the counselor or take care of other matters concerning the complaint?

A. No. If you are filing a complaint against the agency where you are employed, they are required to permit you a reasonable amount of time away from the job to prepare the complaint. However, if your



complaint is against another agency with which you are not currently employed, your agency is not required to give you time away from the job to prepare your complaint.

Q. What should I do if I am not satisfied with the informal resolution?

A. You may file a formal (written) complaint within 15 calendar days of your final interview with the EEO Counselor. This written complaint must be directed to the EEO Manager and should be on a DA Form 2590-R.

Q. May I file a complaint with someone else?

A. Yes. You may file with any of the following but remember, they will always return the complaint to the agency for processing:

- a. Commander  
USAG KAISERSLAUTERN  
Unit 23152  
APO AE 09227
- b. Director of Equal Employment Opportunity  
Department of the Army  
ATTN: SFMR-RBE  
1941 Jefferson Davis Highway  
Arlington, Virginia 22202-4508
- c. Secretary of the Army  
ATTN: SFMR-RBE  
1941 Jefferson Davis Highway  
Arlington, Virginia 22202-4508

Q. Do I have to abide by all of the time limits if I was obviously discriminated against?

A. Yes. The aggrieved person has the obligation to pursue the complaint. Failure to do so may result in dismissal by the agency. The EEO Manager may extend the time limits if you can show that you were not made aware of the time limits or that you were prevented by circumstances beyond your control (such as illness) from adhering to the limits or for “other reasons considered sufficient by the agency.”

Q. May I file a complaint based on sex discrimination plus religious, racial or nationality discrimination?

A. Yes. You may file a complaint based upon whatever you believe caused the alleged discrimination. It will be processed as one complaint.

Q. Will anything happen to me if I file a complaint of discrimination?

A. The Code of Federal Regulations states that employees and their representatives shall be free from intimidation, reprisal or interference in the filing of a complaint. If you suffer such reprisals, you can file a second complaint on that basis. The counselor may not reveal your identity without your consent or until you file a formal complaint, so you will have a certain amount of protection because of anonymity at the beginning. Before you file a complaint, you should be aware of the possible risk involved. Be assured that every precaution is taken to protect you from any type of reprisal.

Q. Does the EEO complaint process system favor management?

A. The EEO complaint system is designed to favor neither management nor the aggrieved person, but rather to make it possible for the facts to be established and equitable solutions reached if discrimination exists. Beyond its legal obligation to implement EEO laws and regulations, the command has a vested interest in maintaining high morale and productivity, both of which are adversely affected by discrimination. The various levels of appeal in the complaint system work to ensure against possible abuse by management.

Q. What can I do if my supervisor decides to make things difficult for me because I've filed a complaint?

A. EEO regulations prohibit reprisal against employees who have filed or have been associated with EEO complaints, regardless of how long in the past the complaint was filed. The employee may file a (new) complaint of discrimination based on reprisal or appeal directly to the Commander for an investigation.

Q. Is the EEO complaint system basically for minorities?

A. EEO laws and regulations prohibit discrimination based on race, color, religion, sex, national origin, age (over 40), and physical or mental disability. This means that "non-minorities" have the same rights as "minorities" in the complaint system and are equally protected against discrimination.

Q. What is to prevent an employee from using the complaint system to "get even" with a supervisor, or to try to gain an undeserved employment benefit?

A. A charge of discrimination will have no effect on the status of an alleged discriminating official or the aggrieved person unless and until a finding of discrimination is made through the complaints process. In order for a finding to be made, a preponderance of the evidence must show that discrimination in fact took place. In addition to this test, the various levels of review in the system work to ensure against possible abuse by aggrieved persons.

## **PROCEDURES FOR PROCESSING INDIVIDUAL COMPLAINTS OF DISCRIMINATION**

1. Employee or applicant contacts the EEO Office within 45 calendar days of the alleged discriminatory act. An EEO Counselor will be assigned to conduct an informal inquiry. The counselor has 30 calendar days to conduct the inquiry.
2. Employee or applicant may file a formal complaint with the EEO Manager within 15 calendar days after the final interview with the EEO Counselor.
3. A complaint may be dismissed for any of the following reasons:
  - a. Refers to a situation over which the Army has no jurisdiction.
  - b. Is not based on the aggrieved's race, color, religion, sex, age (over 40), national origin, physical or mental disability and/or reprisal. Complaints of discrimination because of age are accepted only if the aggrieved was at least 40 years of age when the action complained of occurred.
  - c. Sets forth matters identical to those in a previous complaint filed by the same aggrieved person that has been, or is being, processed.
  - d. Sets forth matters identical to those in a grievance filed in writing by the same aggrieved person under a negotiated grievance procedure.
  - e. Sets forth matters that also form the basis of an appeal filed before the Merit System Protection Board (MSPB).
  - f. Is untimely.
    - 1) The matters in a complaint must have been brought to the attention of the EEO Office within 45 calendar days after the alleged issue, effective date of a personnel action, or the date the aggrieved person became aware or reasonably should have been aware, of the discriminatory event or personnel action.
    - 2) Formal complaints must be filed within 15 calendar days after receipt of Notice of Right to File a Formal Complaint.
3. EEO Manager requests assignment of an investigator from DOD, Civilian Personnel Management Service, Office of Complaint Investigations (OCI) and the OCI Director assigns an investigator.

4. An investigation will be conducted. Testimony will be taken under oath or affirmation. The investigator will prepare a report including conclusions and recommendations.
5. The aggrieved person, or attorney if represented by one, is given a copy of the investigator's report. The EEO Manager provides an opportunity for informal resolution.
6. The EEO Manager provides the aggrieved person a written notice advising the aggrieved that within 30 calendar days of receipt of the Report of Investigation (ROI) he/she has the right to request a hearing by an Equal Employment Opportunity Commission (EEOC) Administrative Judge.
7. If the aggrieved asks for a hearing, the EEO Manager requests the EEOC to assign an EEOC Administrative Judge.
8. The Administrative Judge conducts the hearing and/or reviews the file; remands the complaint to agency for further investigation if necessary; schedules and conducts pre-hearing telephone conference between aggrieved and his/her representative and agency representative who is an attorney from the Office of the Staff Judge Advocate, and, if the pre-hearing is unsuccessful in resolving the complaint, schedules and conducts the hearing.
9. The hearing is recorded and transcribed verbatim. The Administrative Judge makes finding, analysis and a recommended decision. These are forwarded with the complaint file to the agency head (or designee) for final decision.
10. The Army Director makes the final Army decision based on the complaint file, giving the aggrieved a copy of the Administrative Judge's recommended decision. The final Army decision may adopt, reject or modify the findings and conclusions of the Administrative Judge. If modified or rejected by the final Army decision, the decision letter must give the specific reasons.
11. If the aggrieved asks for an immediate final decision from the Army an Agency decision based on the record of the OCI Report of Investigation is rendered.
12. The aggrieved has the right to appeal to the Office of Federal Operations (OFO) of the EEOC within 30 calendar days of the Agency decision or to file a civil action in Federal District Court within 30 calendar days of the Agency decision.
13. If the aggrieved elects to appeal to the OFO, he/she may file a civil action in Federal District Court within 90 days of the decision on the appeal.
14. The aggrieved may file a civil action in Federal Court if the final action on his/her complaint is not taken by the Army within 180 days of filing or if the final action is not taken on any appeal to the OFO within 180 days.

NOTE: The aggrieved has the right to be represented by a person of his/her own choosing at any stage of a complaint including the counseling stage.

## **EEO CLASS COMPLAINT**

1. A class complaint is a written complaint of discrimination, filed by a class agent on behalf of the class, initiated by a group of agency employees, former employees and/or applicants for employment, on whose behalf it is alleged that a personnel practice or policy discriminates against the class on the basis of common characteristics such as race, color, religion, sex, national origin, age (over 40), physical or mental disability and/or reprisal.
2. The class agent initially files the complaint on behalf of the class. Claims of the class are typical of the claims of the agent when such claims are related to the individual class of discrimination affecting the agent and that class, a class claim for denial of minority promotions is typical of a claim of an agent of the class who has himself/herself been denied a promotion.
3. The procedures of processing a class complaint begin with the precomplaint stage when the agent of the class consults the EEO Manager (within 45 calendar days of the matter giving rise to the allegation of individual discrimination or 45 calendar days of the effective date of a personnel action).
4. The class agent then provides the EEO class complaint's counselor with the name of his/her representative, if any, and informs the counselor if he/she wants to remain anonymous (this right extends only during the pre-complaint).

The agent or his/her representative must submit a signed, written formal complaint not later than 15 calendar days after receiving the Notice of Right to File a Formal Complaint from the EEO Counselor describing, in detail, the agency personnel management policy or practice giving rise to the complaint and how that personnel action or matter adversely affected the agent and the class. The complaint is filed with the Secretary of the army or the Director of EEO, DA and a copy must be furnished to the servicing EEO Manager.

5. A class complaint may be dismissed for any of the following reasons:
  - a. It refers to a situation over which the Army has no jurisdiction.
  - b. Is not based on the aggrieved's race, color, religion, sex, age (over 40), national origin, physical or mental disability and/or reprisal. Complaints of discrimination because of age are accepted only if the aggrieved was at least 40 years of age when the action complained of occurred.
  - c. Consists of allegations identical to those in a previous class complaint, filed for the same class that is pending or has been resolved by the Army or other proper authority.

d. Is untimely.

- 1) Class complaints must be brought to the attention of the EEO Office within 45 calendar days after the incident, effective date of a personnel action or the date the aggrieved person became aware, or reasonably should have become aware of the discriminatory event or personnel action.
- 2) Formal class complaints must be filed within 15 calendar days after the date of final interview with the EEO Counselor.

e. It lacks specificity and detail.

f. Was not filed in writing or was not signed by the class agent.

g. It designates a class that is small enough that a consolidated complaint of the members of the class would be more practical.

h. It alleges no questions of fact common to the class.

i. It asserts claims of the class agent that are not typical of the claim of the class.

j. It specifies a class agent or representative that will not protect the interest of the class fairly and adequately.

6. If the complaint is accepted, the agency shall notify all class members of the existence of the complaint within 15 calendar days. The notice shall contain:

- a. The name of the agency or organizational element, its location and the date of acceptance of the class complaint.
- b. A description of the issues accepted as part of the class complaint.
- c. The name, address and telephone number of the class representative.
- d. An explanation of the binding nature of the final decision on or resolution of the complaint on class members.

## SUMMARY

After is said and done, does anyone check to see if the EEO Program is effective? You can be sure. There are regular evaluations by the Department of the Army, the Equal Employment Opportunity Commission, USAG KAISERSLAUTERN, the Installation Management Agency, and on occasion, the General Accounting Office, Inspector General and the U.S. Army Audit Agency. There are other evaluations by employee organizations, community organizations, investigators, hearing examiners, members of Congress – you name them and they will probably have made an evaluation. Evaluations are good: they help to identify areas that need attention. They also pass the word when the program is good or when it is not.

The EEO Program at the USAG KAISERSLAUTERN is only as effective as the commitment and active participation of the many parties involved in its administration and execution. Program effectiveness is measured by results. Everyone, from the Commander to the newest employee, must work to ensure that equality of opportunity in employment becomes the rule rather than the exception. Only then will we truly be able to say,

**"Equal Employment Opportunity is Good Personnel Management."**